

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RODNEY COWARD,

Plaintiff,

v.

JOHN OR JANE DOE, M.D., Downstate
Correctional Facility *and* SUPERINTENDENT
ROBERT MORTON, JR., Downstate
Correctional Facility,

Defendants.

No. 22-CV-628 (KMK)

Valentin Order

KENNETH M. KARAS, United States District Judge:

Plaintiff, who is currently incarcerated at Bare Hill Correctional Facility, brings this pro se action alleging that Defendants violated his constitutional rights when he was incarcerated at Downstate Correctional Facility (“Downstate”). On April 6, 2022, the Court directed the U.S. Marshals Service to serve Superintendent Robert Morton, Jr. (“Morton”) at Downstate.¹ (*See* Dkt. No. 7.) The Marshals Service, however, has informed the Court that they are unable to serve Morton at Downstate because the facility has been closed.

Under *Valentin v. Dinkins*, a pro se litigant is entitled to assistance from the district court in identifying an unidentified defendant. 121 F.3d 72, 76 (2d Cir. 1997). Because Morton, as the Superintendent of Downstate, is an employee of the New York State Department of Corrections and Community Supervision (“DOCCS”), the Court directs the Attorney General of the State of New York, who is the attorney for and agent of DOCCS, to provide an address where Morton

¹ The order also directed the Attorney General of the State of New York to identify the John or Jane Doe, M.D., who Plaintiff seeks to sue within sixty days.

may be served.² The Attorney General must provide this information to Plaintiff and the Court within sixty days of the date of this Order.

Upon receipt of this information, the Court will issue an order directing the Clerk of Court to complete the USM-285 form with the address for Morton and deliver all documents necessary to effect service to the U.S. Marshals Service.

Conclusion

The Court directs the Attorney General of the State of New York to provide an address where Morton may be served within sixty days of the date of this order.

The Clerk of Court is directed to mail a copy of this Order and the complaint to the Attorney General of the State of New York at: 28 Liberty Street, New York, New York 10005. The Clerk of Court is additionally instructed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: June 14, 2022
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', is written over a horizontal line.

KENNETH M. KARAS
United States District Judge

² If Morton is now a former DOCCS employee or official, the Attorney General must provide a residential address where he may be served.